



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590**

**SENT VIA EMAIL**

September 12, 2011

Mr. Robin Lunn  
Winston & Strawn LLP  
35 West Wacker Drive  
Chicago, IL 60601

RE: EPA Modifications to South Dayton Dump and Landfill Site  
Operable Unit 1 Streamlined Remedial Investigation/Feasibility Study Report

Dear Mr. Lunn:

This letter confirms the U.S. Environmental Protection Agency's (EPA's) recent decision to modify Conestoga Rovers & Associates (CRA's) Operable Unit 1 Streamlined Remedial Investigation/Feasibility Study Report (OU1 RI/FS Report) for the South Dayton Dump and Landfill Site (Site). EPA is taking this action consistent with Paragraph 42 (not Paragraph 85) of the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility, Docket VW-06-C-852 (ASAOC), which states:

*After review of any plan, report, or other item that is required to be submitted for approval pursuant to this Settlement Agreement, including the SOW, U.S. EPA shall: (a) approve, in whole or in part, the submission; (b) approve the submission upon specified conditions; (c) modify the submission to cure the deficiencies; (d) disapprove, in whole or in part, the submission, directing that Respondents modify the submission; or (e) any combination of the above. However, U.S. EPA shall not modify a submission without first providing Respondents at least one notice of deficiency and an opportunity to cure within 21 days, except where to do so would cause serious disruption to the Work or where previous submission(s) have been disapproved to material defects.*

Respondents have, to date, submitted three versions of the required RI/FS report dated May 14, 2010, January 31, 2011 and June 10, 2011, respectively. EPA has provided the Respondents two opportunities to correct deficiencies in the Respondents' OU1 RI/FS report and submit a report that is acceptable to the Agency. Notwithstanding comments provided via email, teleconference and face to face meetings, and formal comments EPA provided to the Respondents on the first two submittals in letters dated July 7, 2011 and May 10, 2011, EPA cannot approve the third document without additional changes.

As Mr. Timothy Prendiville of EPA indicated to Mr. Ken Brown of the Respondents, during a recent phone call, EPA is not interested in pursuing stipulated penalties from the Respondents over this matter. EPA's only interest is in having a final, approved RI/FS for OU1 so EPA can move forward with issuing a Proposed Plan and ROD for the Site.

If you have any questions or would like to discuss this matter further, please feel free to contact me at 312-886-1843 or at [cibulskis.karen@epa.gov](mailto:cibulskis.karen@epa.gov). Legal questions may be directed to Mr. Thomas Nash, Assistant Regional Counsel, at 312-886-0522 or at [nash.thomas@epa.gov](mailto:nash.thomas@epa.gov).

Sincerely,

A handwritten signature in blue ink that reads "Karen Cibulskis". The signature is fluid and cursive, with the first name "Karen" and last name "Cibulskis" clearly distinguishable.

Karen Cibulskis  
Remedial Project Manager

Cc: T. Prendiville, SR-6J  
T. Nash, C-14J  
L. Marshall, OEPA  
K. Brown, ITW